IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 13931 of 2005

Between:

1 Muzaffar Ali Khan, S/o. Mansoor Ali Khan,
R/o. at H.No. 18-12-418/A/31, Hafez Baba Nagar, Chandrayanguda,
Hyderabad.
2 Mujtahid Ali Khan, S/o. Muzaffar Ali Khan,
M/s. Shams Water Suppliers, R/o. at H.No. 18-12-418/A/31, Hafez Baba Nagar, Chandrayanguda,
Hyderabad.

..... PETITIONERS

AND

1 Mandal Revenue Officer, Bandalguda Mandal, Faluknama, Hyderabad.
2 The Assistant Engineer, AP TRANSCO Chandrayangutta, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, one more particularly in the nature of Writ of "Mandamus" declaring the action of the respondent No.1 in initiating action under the A.P. Water, Land & Trees Act, 2002 by issuing notice in Form 7 dated 6-6-2005 and conducting panchanama on 27-6-2005 for sealing the water sources in the petitioners' land bearing H.No. 18-12-418/A/48 & 31 situated at Hafez Baba Nagar, Chandrayanagutta, Hyderabad as being illegal, arbitrary, unconstitutional and consequently direct the respondent not to interfere with the petitioner rights and activities over the said property in any manner and pass such other order or orders as the Hon'ble Court may deem fit and proper in the circumstances of the case

Counsel for the Petitioner: MR.S.NIRANJAN REDDY

Counsel for the Respondent No.: GP FOR REVENUE

The Court at the stage of admission made the following :

ORDER:

Heard both sides.

In this Writ Petition, petitioner is seeking a Writ of Mandamus declaring the action of the first respondent in initiating action under the A.P Water Land & Trees Act, 2002 by issuing notice in Form 7 dated 6.6.2005 and conducting panchanama on 27.6.2005 for sealing the water sources in the petitioners' land bearing H.No. 18-12-418/A/48 &31 situated at Hafez Baba Nagar, Chandrayanagutta, Hyderabad, as illegal, arbitrary and consequently direct the respondents not to interfere with the petitioners rights and activities over the said property in any manner.

Brief facts of the case are that the petitioners are the absolute owners of the property bearing Municipal No. 18-12-418/A/48 and 31 situated at Hafez Baba Nagar, Chandrayanagutta, Hyderabad, and they have been residing at the said place for more than 20 years. While so, the respondents herein, visited their premises on 5.6.2005 and purported to enquire about the bore wells in their lands and informed that the operation of the said wells were contrary to the Act. It is their further case that without appreciating the provisions of the Act and understanding the scope, the first respondent issued a notice dated 6.6.2005 in Form 7 under Rule 25 of the A.P. Water Land and Trees Rules, 2002, and in the notice, the respondent could not mention the nature of violation, therefore, petitioners submit that they have not violated any of the provisions of the Act.

As seen from the facts and circumstances, the respondents have not mentioned anything in the impugned order that what is the provision of law, the petitioner has violated. Therefore, the impugned order is passed without applying any mind and the same is liable to be set aside.

Accordingly, the impugned order dated 6.6.2005 is set aside and the Writ Petition is allowed. However, it is open to the respondents to proceed with the matter, if they are so advised, under the provisions of law. No order as to costs.

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E. DHARMA RAO, J

DATED: 29/06/2005

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To

1 Mandal Revenue Officer, Bandalguda Mandal, Faluknama, Hyderabad.
2 The Assistant Engineer, AP TRANSCO Chandrayangutta, Hyderabad.

3. Two CCs to G.P. for Revenue, High Court of A.P., Hyderabad (OUT)

4. 1 CC to MR.NIRANJAN REDDY